

Minutes

University of Hawaii at Manoa Faculty Senate
March 8th, 2000
Law School Classroom 2

43 Senators were present: Barry Baker, Robert Cooney, John Cox, Thomas Craven, James Dator, Marilyn Dunlap, Ernestine Enomoto, David Flynn, Donna Fukuda, John Haig, Emily Hawkins, Manfred Henningsen, Lenard Huff, Casey Jarman, Karl Kim, Peter Kim, Irvin King, William Lampe, Bruce Liebert, Joy Marsella, Matthew McGranaghan, Chris Measures, Susan Miyasaka, Ralph Moberly, Mary Pateman, Robert Paull, Karen Peacock, John Rieder, Stanley Saiki, Thomas Schroeder, Brent Sipes, Martha Staff, Virginia Tanji, Mary Tiles, Janice Uchida, Robert Valliant, Richard Varley, Charles Weems, Joel Weiner, John Wendell, David Yount, Ming-Bao Yue, Sylvia Yuen.

16 Senator was excused: Iqbal Ahmed, Belinda Aquino, Andrea Feeser, Agnes Fok, Patricia Fryer, Robert Joseph, Nanette Judd, Takeo Kudo, Edward Laws, Glenn Man, Linda Menton, Jane Moulin, John Mount, Charles Mueller, Joseph O'Mealy, Teresita Ramos, Jane Tribble.

10 Senators were absent : Robert Bart, Horst Brandes, Carolyn Gotay, William Haning, Joel Hanna, Dianne Ishida, Laurence Kolonel, John Melish, Frank Walton.

4 Administrators were present: Thomas Bopp, Judith Inazu, Jim Manke, Ken Tokuno.

2 other signed in: Sandy Davis, Jim Tiles.

Chair Mary Tiles opened the meeting at 3:12

1. After several amendments were noted, the minutes of the February 16th meeting of the Faculty Senate were adopted unanimously by voice vote.
2. Chair Mary Tiles reported on the current status of legislation concerning the University. The constitutional autonomy bill was still alive and has been transferred to the House. Both the House and Senate versions of bills designed to reform the civil service were alive in modified form. According to UHPA Executive Director Radcliffe both have very negative consequences for the Faculty, notably the issue of pension eligibility and health fund coverage for 9 month faculty. A protest rally in front of the State Capitol by all unions representing state employees is planned for April 5th or 12th at 1500 hrs, it was noted that if the 12th is chosen we may need to alter the date of the April meeting of the FS since it is scheduled for that day.

Chair Tiles reported that the Hawaii Labor Relations Board (HLRB) had ruled in favour of UHPA with regard to the ongoing impasse in negotiations for a new contract. The HLRB ruling stated that State negotiator Yogi's interpretation of the relevance of the State Supreme Court's ruling SHOPO had only been applied to negotiations with UHPA and that it was clear that this

union had been singled out for treatment that the HLRB deemed was both wilful and unfair. In addition the State had failed to provide any explanation as to why UHPA had been singled out for this treatment. The HLRB ruling further stated that the State negotiators should cease and desist in their bad faith bargaining. Chair Tiles pointed out that some of the current legislation before the House and Senate was an attempt to do the same sorts of things. It was pointed out that in the last legislative session Act 100 had frozen the ability of unions to negotiate cost items, attempts this year to repeal this legislation were now dead. Although the State had lost a court case over the legitimacy of this act they were appealing the decision and thus at this time there was still no possibility of collective bargaining on cost issues. A more complete analysis of this situation would be forthcoming from Tony Gill and would be passed on to the Faculty.

Bill Lampe asked if the proposed pension credit changes would be retroactive, John Cox surmised that they would have to be prospective. In response to a question about whether there were any penalties assessed on the State as a result of the HLRB ruling, Chair Tiles said no, if the State continued to bargain in bad faith UHPA would just have to go back to the HLRB again. In response to the question of whether UHPA could file in court for summary judgement, it was thought unlikely.

Irvin King stated we were in trouble since the Governor and the media had convinced the legislature that there was need for civil service reform. When asked if the reduced pension eligibility would apply to the legislators themselves since they also have less than a full time positions, it was stated that the provisions would not since they are not civil servants.

John Cox urged Faculty to contact their legislators and talk to other Faculty about this issue, Chair Tiles said that the names of the members of the legislative committees concerned with these bills would be forwarded to Faculty shortly.

In discussion about the impact changes to pension eligibility might have on future recruitment and whether similar rules applied in other states, Chair Tiles said that where rules like this applied in other states Faculty were not forced into the State's civil service retirement system. Attempts to provide a separate system for Faculty in Hawaii had run into the issue of funding for any new system and would also require Board of Regents (BOR) action.

Chair Tiles reported that at the last BOR meeting authority to implement several personnel actions had been delegated to the President for a period of one year.

Chair Tiles said that at the April FS meeting it was hoped that there would be a report from the committee looking into implementation questions of the undergraduate core that could then be taken to the BOR in order to get the new core approved. Any materials concerning this issue would be circulated before the meeting.

Bill Lampe pointed out that at the April FS meeting there would also need to be a second reading of the proposals to amend the FS charter and bylaws.

2. Karl Kim presented a report from CAB. The nature of the report was a motion detailing changes that CAB believed were required to bring the FS Charter and by-laws in line with the language of the BOR. As such these issues were primarily house-keeping and were designed to clarify the levels of responsibility of the Faculty in various arenas of University governance. The WASC report had highlighted apparent conflicts and these proposed changes were designed to resolve those issues.

It was pointed out that the FS rules required there to be a reading of the proposed changes today but no vote, however changes suggested by Senators would be considered and incorporated into the motion prior to its presentation at the next FS meeting in April.

The resolution was then read aloud.

Bob Paull suggested that the first paragraph should be changed to state that the Congress and Senate should "act" for faculty, in addition he asked whether the reference should be to President or Chancellor.

Marilyn Dunlap asked how the new process for obtaining Faculty to sit on committees had changed since in the past 8 or 9 names were forwarded. Chair Tiles pointed out that according to a memo received from Dean Smith there might be times when nominated Faculty were ineligible to serve, e.g. from a conflict of interest or the need to balance gender and ethnicity on committees etc. In these cases the FS would have alternate names ready to forward but would not provide them prior to there being a need. Bill Lampe explained that the new policy was still being discussed with the administration but that it would shift appointing authority to the FS and its SEC.

Barry Baker explained that the CFS was having trouble getting Faculty to serve and the proposed changes were an attempt to improve the system. The new system would involve contacting all Faculty in the Spring with a list of all committees for which Faculty participation was needed. This would then result in a list of volunteers for the following year's committees. Marilyn Dunlap, who chaired the CFS for 4 years, observed that it is difficult to get people to commit to service on committees 6 months in advance and that other more flexible options should be kept available. Casey Jarman explained that amending the by-laws to incorporate the new procedure would not preclude the adding of new committees and/or individuals during the academic year.

Ralph Moberly asked who prepared the list of committees, the FS or the Administration, Barry Baker responded that the Administration had prepared them but that there were still some questions about which were system-wide and which were Manoa specific.

Karl Kim encouraged senators to forward comments on the specific language in the motion to CAB before the second reading in April.

3. Chair Mary Tiles introduced a resolution from the SEC concerning advocacy for cross-campus issues in the next biennium budget. It was explained that this initiative arose from the

CAB budget sub-committee which is part of the Deans and Directors budget sub-committee. This committee will be evaluating plans for the next five years, submitted to it by the various Schools and Colleges. The problem with this system is that since these initiatives arise from the Schools and Colleges they are vertical in the sense that they represent the interests of the individual units. The FS can contribute to this process by advocating the cause of undergraduate education and requesting resources needed to implement initiatives that the FS has called for in past resolutions.

The resolution was read.

Joy Marsella asked how the SEC thought this resolution related to the existing committee that was looking into undergraduate administrative structures. Chair Tiles said that the budget proposals had to be formulated before Marsella's committee would report, but that the resolution was intended to support the work of that committee. Joy Marsella said that she thought administrators who had worked on her committee would argue with the wording in the resolution that stated there was no administrative focus. After some debate amongst several senators several changes in the language were adopted as a friendly amendments. The changes were to: strike out the word administrative in the fourth line and added the phrase "in the budget and planning process" prior to "and" in the 5th line. In addition the word "undergraduate" was inserted prior to educational in the 11th line and also prior to education in the 16th line. The word require was changed to requiring in the 9th line.

The question was called on a unanimous voice vote, the resolution was carried by a show of hands with 35 in favour, none opposed and no abstentions.

There being no further business the meeting was adjourned at 4:29

Respectfully submitted,

Chris Measures
Secretary